

REMARKS

Claims 1-3 and 5-23 are pending in the application. Claims 1, 7, 15, and 20 are independent. Claims 1, 7, 15, and 20 have been amended. These changes are believed to introduce no new matter and their entry is respectfully requested.

Rejection of Claims 1-3 and 5-6 Under 35 U.S.C. §102(e)

The Examiner rejected claims 1-3 and 5-6 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,111,673 to Chang (hereinafter "Chang"). A claim is anticipated only if each and every element of the claim is found in a reference. (M.P.E.P. § 2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id. citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,1236 (Fed. Cir. 1989)). Applicant respectfully traverses the rejection.

Amended Claim 1 recites in pertinent part "labeling traffic to be switched in the network with a set of switching wavelengths, the switching wavelengths to indicate that the traffic is to be switched in optical domain using optical circuit switching; labeling traffic to be routed in the network with a set of routing wavelengths, the routing wavelengths being labels to indicate that traffic is to be routed, undergo conversion from optical domain to electrical domain, and undergo conversion from electrical domain back to optical domain" Support for these changes can be found in Applicant's Specification at page 7, lines 1-5 and 11-15.

Chang fails to disclose at least these elements. Chang appears to teach at column 4, lines 6-9, that a "packet does not undergo optical-to-electrical conversion until it comes out of the network." Chang appears to teach further at column 10, lines 9-11 that "there is no optical-to-electrical, nor electrical-to-optical conversion of data payload 211 at network elements 121-125." Applicant therefore respectfully submits that Chang fails to show the identical invention in as complete detail as required by M.P.E.P. § 2131 Chang therefore

does not anticipate claim 1. Applicant respectfully submits that claims 2-3 and 5-6 properly depend from claim 1 and thus Chang does not anticipate them either.

Rejection of Claims 7, 11, 13, 15, and 17-21 Under 35 U.S.C. §103(a)

The Examiner rejected claims 7, 11, 13, 15, and 17-21 under 35 U.S.C. §103(a) as unpatentable over U.S. Ghani "Lambda-Labeling: A framework for IP-Over-WDM Using MPLS (hereinafter "Ghani"). To establish a *prima facie* case of obviousness, an Examiner must show that the references teach or suggest each and every element of the claimed invention. (MPEP §2143.) The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. (MPEP §2142.) Applicant respectfully traverses the rejections.

Amended claim 7 recites in pertinent part "labeling traffic to be switched in the network with a set of switching wavelengths, the switching wavelengths to indicate that the traffic is to be switched in optical domain using optical circuit switching; labeling traffic to be routed in the network with a set of routing wavelengths, the routing wavelengths being labels to indicate that traffic is to be routed, undergo conversion from optical domain to electrical domain, and undergo conversion from electrical domain back to optical domain." Support for these changes can be found in Applicant's Specification at page 7, lines 1-5 and 11-15.

Ghani fails to disclose at least these elements. Ghani appears to teach a multiprotocol label-switching (MPLS) framework. Applicant therefore respectfully submits because Ghani fails to show each and every element of claim 7, claim 7 is patentable over Ghani. Applicant respectfully submits that claims 11 and 13 properly depend from claim 7 and thus are patentable over Ghani as well.

Claim 15 recites in pertinent part "switching logic to optically switch traffic carried on a set of switching wavelengths, the switching wavelengths being labels to indicate that the traffic is to be switched in optical domain using optical circuit switching; routing logic coupled to the switching logic to route traffic carried on a set of routing wavelengths, the

routing wavelengths being labels to indicate that traffic is to be routed, undergo conversion from optical domain to electrical domain, and undergo conversion from electrical domain back to optical domain." Support for these changes can be found in Applicant's Specification at page 7, lines 1-5 and 11-15.

Ghani fails to disclose at least these elements. Applicant therefore respectfully submits because Ghani fails to show each and every element of claim 15, claim 15 is patentable over Ghani. Applicant respectfully submits that claims 17-19 properly depend from claim 15 and thus are patentable over Ghani as well.

Amended claim 20 recites in pertinent part "a first hybrid node to label switched traffic with a set of switching wavelengths, the switching wavelengths being labels to indicate that the traffic is to be switched in optical domain using optical circuit switching, to attempt to send the switched traffic to at least one secondary hybrid node via the set of switching wavelengths, to label traffic that cannot be sent to the at least one secondary hybrid node using the set of switching wavelengths with a set of routing wavelengths, the routing wavelengths being labels to indicate that traffic is to be routed, undergo conversion from optical domain to electrical domain, and undergo conversion from electrical domain back to optical domain, to send the traffic that cannot be sent to the at least one secondary hybrid node using the set of switching wavelengths to the at least one secondary hybrid node via the set of routing wavelengths." Support for these changes can be found in Applicant's Specification at page 7, lines 1-5 and 11-15.

Ghani fails to disclose at least these elements. Applicant therefore respectfully submits because Ghani fails to show each and every element of claim 20, claim 20 is patentable over Ghani. Applicant respectfully submits that claim 21 properly depends from claim 20 and thus is patentable over Ghani as well.

Rejection of Claims 8-10 and 12 Under 35 U.S.C. §103(a)

The Examiner rejected claims 8-10 and 12 under 35 U.S.C. § 103(a) as unpatentable over Ghani in view of U.S. Patent Publication No. 2001/0024305 to Nishimoto (hereinafter "Nishimoto"). Applicant respectfully traverses the rejection.

Applicant respectfully submits that claims 8-10 and 12 properly depend from patentable claim 7 and thus are patentable as well.

Rejection of Claim 14 Under 35 U.S.C. §103(a)

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as unpatentable over Ghani as applied to claim 7, and in further view of Chang. Applicant respectfully traverses the rejection.

Applicant respectfully submits that claim 14 properly depends from patentable claim 7 and thus is patentable as well.

Rejection of Claim 16 Under 35 U.S.C. §103(a)

The Examiner rejected claim 16 under 35 U.S.C. § 103(a) as unpatentable over Ghani as applied to claim 15, and in further view of Chang. Applicant respectfully traverses the rejection.

Applicant respectfully submits that claim 16 properly depends from patentable claim 15 and thus is patentable as well.

Rejection of Claims 22-23 Under 35 U.S.C. §103(a)

The Examiner rejected claim 22-23 under 35 U.S.C. § 103(a) as unpatentable over Ghani as applied to claim 20, and in further view of Chang. Applicant respectfully traverses the rejection.

Applicant respectfully submits that claims 22-23 properly depends from patentable claim 20 and thus is patentable as well.

CONCLUSION

Applicant respectfully submits that all grounds for rejection have been properly traversed or accommodated, and that the Examiner reconsider and remove the rejections. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date:

May 24, 2004

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